

**MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
MONDAY, JUNE 1, 2015, 7:00 P.M., ON THE
4th FLOOR, CAFETERIA, GOVERNMENT CENTER
BLDG, 888 WASHINGTON BLVD., STAMFORD, CT**

Present for the Board: Thomas Mills (Chair), Barry Michelson (Secretary), Rosanne McManus, Bill Morris, David Stein and Joanna Gwozdzowski. Present for staff: David Killeen, Associate Planner.

Chairman Mills called the meeting to order at 7:06 pm.

Mr. Stein made a motion to take the agenda out of order and go to New Business to hear a status report on the pending Boatyard Consulting Contract from Thomas Madden, Director of Economic Development for the City of Stamford, seconded by Mr. Morris and the motion was approved 5:0 (Mills, McManus, Michelson, Morris and Stein).

NEW BUSINESS

Status Report on Strand v. ZBA Boatyard Court Case and Boatyard Consultant Contract

Thomas Madden, Economic Development Director, provided an update to the Board on the status of the consultant studies related to the pending BLT applications. Mr. Madden said he would not be able to report on the court case. The City's Consultant (ba & Partners, Inc.) has requested modifications to BLT's consultant report (Integra Realty Resources). BLT's consultant has returned modifications to Ajamil of ba & Partners, Inc., and those are being reviewed now..

Both Mr. Mills and Stein asked if the Board would receive copies of the correspondence and reports. Mr. Michelson said the two consultants are not supposed to work together; the Zoning Board wants an objective assessment. Mr. Madden responded that Luis Ajamil is working on behalf of the City and Zoning Board. They are reviewing the work to assure that the Zoning Board is getting the proper information.

Mr. Michelson commented that communications should be with the Zoning Board as specified in the Scope of Services.

Mr. Morris asked if the metrics were substantially different than the first report. Mr. Madden said no.

Mr. Mills asked about a timeline. Mr. Madden expects a report within two weeks as they are just waiting for review of the report from BLT's consultant. Tasks 3 to 8 come out of the study and will give a baseline for the Board to consider BLT's applications. The Board may then decide the next steps and determine the timing for public hearings.

Mr. Morris made a motion to return to the regular agenda, seconded by Mr. Michelson and the motion was approved 5:0 (Mills, McManus, Michelson, Morris and Stein).

PUBLIC HEARING

1. **Application 215-10 – SHELTER FOR THE HOMELESS, Special Exception and Coastal Site Plan Review**, requesting approval under Section 7.3 special exception uses for historic buildings for an increase in permitted residential density for a fractional unit (0.30) and a reduction of parking to 1.00 spaces/unit to convert the building from a two-family to a three-family house in an R-MF district at 104 Richmond Hill Avenue (*continued from May 11, 2015*).

Chairman Mills read the description of this item into the record.

Secretary Michelson read the referral letter from the Planning Board, dated April 29, 2015 recommending approval of the proposed special exception, noting that Application #215-10 was consistent with the 2015 Master Plan Category #4, Residential-Medium Density Multifamily.

Mr. Morris announced he will recuse himself from this agenda item since he has family who own property nearby. Chairman Mills seated Ms. Gwozdzowski.

Reverend Jerome Roberts, Associate Executive Director of Shelter for the Homeless introduced their application and Architect Elena Kalman.

Ms. Kalman discussed the building which at one time was in a fashionable area. The original details were lost. This proposal is to restore the house's original glory. The Applicant will remove inappropriate additions and reconstruct the porch. The Shelter is asking approval of a 3-family house under Section 7.3. Green pavers are proposed instead of pavement. The Applicant is proposing hardi-plank and cedar detail or redwood. Trim would be hardi plank or Azek. Windows will be made of wood with metal cladding.

Ms. Kalman described further details. The railing will be made of wood and the top rail is proposed in order to meet new codes.

Mr. Mills asked how the trim would be completed? Azek and wood is being considered. The more elaborate details would be cedar. Mr. Mills questioned whether this would be desirable and asked about the proposed windows.

Ms. McManus raised the question about parking. Mr. Roberts said most tenants do not have cars since they are homeless and could be located in these units for awhile.

Mr. Mills suggested there could be a condition that if the use changes, the Zoning Board would have to approve the use in light of the reduced parking.

Mr. Stein asked how many people intend to occupy the building? Mr. Roberts said up to 4 unrelated individuals per unit.

Mr. Michelson was concerned about the use with 3 apartments in total and up to 4 unrelated individuals. He asked if the proposal could be accommodated under the City's current regulations for Supportive Housing. After further review, it appeared these regulations were designed for larger properties.

Ms. Kalman followed up with Mr. Mills on the Board's suggested use of materials.

Mr. Mills asked if there was anyone from the public that wished to speak on the proposed Application. There being none, Mr. Mills said he'd like to see a condition of approval concerning the review of building materials by the Zoning Board Staff and a condition related to Zoning Board review of parking demand for future uses.

There being no further comments Chairman Mills closed the public hearing on this application.

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes for Approval: May 4, 2015

A motion was made by Ms. McManus to approve these minutes as submitted, seconded by Mr. Stein and the motion was approved 5:0 (Mills, Michelson, Morris, McManus and Stein).

Minutes for Approval: May 11, 2015

A motion was made by Mr. Stein to approve these minutes with the noted corrections from Ms. Gwozdzowski, seconded by Ms. McManus and the motion was approved 5:0 (Mills, Michelson, Morris, McManus and Stein).

(Corrections were made by Ms. Gwozdzowski regarding page 4 and a question that was raised concerning contaminants in the crushed materials.)

PENDING APPLICATIONS:

1. **CSPR-980 – PETER & CARLA CATANZARO, 46 Cook Rd**, proposed raising of existing dwelling above the 100-year base flood level to bring it into conformance with the Flood Prone Area Regulations. Renovation of the existing dwelling, building addition, exterior stairs, wooden deck and concrete retaining walls with site improvements, installation of new subsurface utilities and storm water drainage system for approx. 1,950 sf to an existing residence on 0.31 acres in an R-10 zone within the CAM boundary.

Mr. Killeen provided an overview of this proposal and summarized the staff report on it. The property is located within the Coastal Flood Hazard Area, and the applicant is proposing to fill in the basement and renovate the existing single family residence, and to construct residential additions, decks, driveway, drainage, walls and other related facilities on this non-waterfront property. The applicant has addressed issues of increased imperviousness, drainage, measures to preserve/enhance water quality, structural flood proofing, and the implementation of a planting plan to enhance visual and/or conservation values. The first floor elevation would be at an elevation of 16 feet NAVD-88 upon completion, which is four feet above the projected base flood elevation.

Mr. Morris asked if the garage was to be elevated. Mr. Killeen stated no. Ms. McManus asked if there could be restrictions on storage of hazardous and flammable materials in the garage. Mr. Stein agreed with that concern. Len D'Andrea, Surveyor, who was present for this discussion stated that Note 5 on the plans will be expanded to state that no storage of such materials would be permitted at or below flood level.

A motion was made by Ms. McManus and seconded by Mr. Stein to approve the application with EPB staff conditions and with the additional condition that storage of non-flammable and non-hazardous materials in the garage and the crawl space be allowed only above the base flood elevation. The motion was approved 5:0 (Mills, Michelson, Morris, McManus and Stein). The conditions will read as follows:

1) Work shall comply with the following plans and correspondence:

- *“Site Development Plan,” and “Notes and Detail,” 46 Cook Road, Stamford, Connecticut, Prepared for Peter Catanzaro and Carla Catanzaro, by D’Andrea Surveying and Engineering, P.C., dated March 30, 2015.*
- *“Foundation Crawl,” “First Floor Plan,” “Second Floor Plan,” “Roof Plan,” “Area Plans,” “Elevations,” “Sections,” “Standard Flood Details,” and “Details,” 46 Cook Road, Stamford, Connecticut, Prepared for Catanzaro Residence, 46 Cook Road, Stamford, Connecticut by Vincent Colangelo, revised April 14, 2015.*
- *“Drainage Summary Report for 46 Cook Road, Stamford, Connecticut,” Prepared for Peter Catanzaro and Carla Catanzaro, by Rocco V. D’Andrea, Inc., revised March 30, 2015.*
- *“Zoning Location Survey of Property at 46 Cook Road in Stamford, Connecticut,” Prepared for Peter Catanzaro and Carla Catanzaro, by Rocco V. D’Andrea, Inc., dated February 12, 2015.*
- *“Topographic Survey of Property at 46 Cook Road in Stamford, Connecticut,” Prepared for Peter Catanzaro and Carla Catanzaro, by Rocco V. D’Andrea, Inc., dated February 17, 2015.*
- *“Landscape Plan,” Catanzaro Residence, 46 Cook Road, Stamford, Connecticut by Environmental Land Solutions, dated February 17, 2015.*
- *Correspondence from Joshua K. Hannant, P.E., Rocco V. D’Andrea, Inc., dated April 22, 2015.*
- *“Draft Flood Preparedness Plan for Residents of 46 Cook Road, Stamford, by Rocco V. D’Andrea, Inc., dated February 17, 2015.*

2) Submission of a performance bond, certified check or other acceptable form of surety to secure the timely and proper performance of sediment and erosion controls, tree protection, landscaping, drainage, professional supervision and certifications along with a 15% contingency. A detailed estimate of these costs shall be supplied to EPB Staff for approval prior to the submission of the performance surety. The performance surety shall be submitted to EPB Staff prior to the start of any site activity and issuance of a building permit.

- 3) *Prior to the start of any site activity and issuance of a building permit, modification of the pertinent plans/reports as follows:*
- *Civil:* *Flood-proof underground utility details utilizing the standard Certification language.*
 - *Architectural:* *Proposed exterior ground elevations at flood openings.*
Further interior stair details to ensure a solid fill.
Remove wood finish note on Sheet A101.
Further clarification of interior pier design (with top elevation noted).
Removal of irrelevant floodproofing notes and details on Sheet A108.
 - *Preparedness:* *Add final site development plan as a "Figure."*
Notice to be filed in the Stamford Land Records (P. 2) avoiding actual book and page reference.
- 4) *Work areas shall be staked in the field by a Connecticut surveyor prior to the start of any site activity.*
- 5) *Temporary erosion controls and tree protection measures shall be installed and approved in writing by EPB Staff prior to the start of any site activity.*
- 6) *Prior to any framing, submission of an interim improvement location survey to confirm foundation and pertinent wall, floor and flood opening location/elevations by a Connecticut Land Surveyor. The plan shall be subject to an endorsement by EPB Staff.*
- 7) *All disturbed earth surfaces shall be stabilized with topsoil, seed, mulch, sod, stone or other suitable alternative prior to the issuance of certificate of occupancy. This condition applies not only to disturbed earth surfaces slated for landscaping but also to areas under exterior decks, drives, etc.*
- 8) *All final grading, drainage, wall construction, stabilization and other engineered elements shall be completed under the supervision of a Connecticut registered professional engineer and lands surveyor with an improvement location survey (surveyor) and written certifications (engineer) submitted to EPB Staff prior to the release of surety and signature authorizing the issuance of certificate of occupancy.*
- 9) *All approved landscaping and mitigative measures shall be conducted under the supervision of a qualified landscaping professional with written certifications submitted to EPB Staff prior to the release of surety and signature authorizing the issuance of certificate of occupancy.*
- 10) *All floodproofing shall be conducted under the supervision of a professional engineer or architect registered in the State of Connecticut. Upon the completion of the construction, and prior to the release of surety and signature authorizing the issuance of a certificate of occupancy, a Connecticut registered engineer or architect shall certify (signed and sealed correspondence) that the structure and all attendant facilities have been constructed in accordance with the provisions of Section 7.1 of*

the Zoning Regulations ("Flood Prone Area Regulations"), and are capable of withstanding the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. The letter of certification shall reference each floodproofing measure incorporated into the building.

11) Upon the completion of the construction and prior to the release of surety and granting of a signature authorizing the issuance of a certificate of occupancy, a Connecticut registered professional surveyor shall:

- Certify (signed and sealed improvement location survey) the final elevation of: i) crawl/garage floor levels, ii) primary living floor levels, iii) the bottom sill elevation, size and exterior grade at wall openings, iv) bottom elevation of all exterior meters, panels, v) top of AC platforms, vi) other facilities as deemed appropriate by EPB Staff.*
- Complete a standard "National Flood Insurance Program Elevation Certificate."*

12) Prior to the release of surety, transfer of title and issuance of a signature authorizing the issuance of a certificate of occupancy, the applicant shall file a standard notice on the Stamford Land Records disclosing the following information.

- The subject property lies within a known flood hazard area described as Zone AE 12 feet NAVD-88, as depicted on Flood Insurance Rate Map 09001C0518G, dated July 8, 2013.*
- A coastal site plan review (46 Cook Road, Catanzaro, CSPR 977, 5/15) was issued by the Zoning Board of the City of Stamford to allow the construction of a new single family dwelling, drive, drainage and other related facilities on property having the coastal resource identified as "Coastal Flood Hazard Zone."*
- Acknowledge the existence of the "Flood Preparedness Plan."*
- Restrictions prohibiting uses of or modifications to the fully enclosed areas below the limits of the minimum elevation standard of 13 feet NAVD-88 as to render them inconsistent with the regulations. Specific enforcement provisions for non-compliance shall be included.*

13) In-ground fuel oil storage tanks are prohibited.

14) Submission of a standard City of Stamford landscape maintenance agreement to ensure the success of the mitigation planting prior to the release of surety, transfer of title and granting of a signature authorizing the issuance of a final certificate of occupancy.

15) Submission of a standard City of Stamford drainage facilities maintenance agreement to ensure the full and proper function of all drainage facilities prior to the

release of surety, transfer of title and granting of a signature authorizing the issuance of a final certificate of occupancy.

16) Storage of non-flammable and non-hazardous materials in the garage and crawl space are not allowed at or below the Base Flood Elevation.

CSPR-979 – JAMES A EVANS, 373 Stamford Avenue, renovation of approx. 1,560 sf and addition of approximately 325 sf to an existing residence on 1.02 acres in an R-20 zone within the CAM boundary.

Mr. Killeen provided an overview of this proposal and summarized the staff report on it. The property is located on the waterfront at the end of Stamford Avenue. Identified Coastal Resources include bluffs or escarpments, coastal flood hazard areas, shorelands, and general resources. The applicant proposes to enclose a covered porch, install an exterior handicap ramp, renovate portions of the interior, and install a second floor balcony within the existing residence.

The property owner removed an iron fence after being notified of a violation by the State DEEP in March. This was also noted in the referral letter from the Harbor Management Commission (HMC). Otherwise, the HMC recommended approval of this application.

Mr. Mills asked about the proposed enclosure of the porch. It was confirmed by Mr. Evans, who was present, that the area was above flood elevations.

A motion was made by Mr. Stein and seconded by Mr. Michelson to approve the application with EPB staff conditions. The motion was approved 5:0 (Mills, Michelson, Morris, McManus and Stein). The conditions will read as follows:

- 1. Submittal of signed/sealed certification attesting to the ability of the proposed walkway and balcony columns to resist the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood prior to endorsement for the issuance of a building permit.*
- 2. Submission of a performance bond, certified check or other acceptable form of surety to secure the timely and proper performance of sediment and erosion controls, landscaping, and professional supervision/certification. A detailed estimate of these costs must be supplied to EPB Staff for approval prior to the start of any site activity and issuance of a building permit.*
- 3. Work is to conform to the referenced plans with affidavit of the actual final costs of improvements provided to staff prior to the issuance of a Certificate of Occupancy.*
- 4. Upon the completion of the construction, submission of a final as-built plan in the form of an "Improvement Location Survey" is required.*
- 5. All landscaping shall be installed under the supervision of a qualified landscaping professional with written certification submitted to EPB Staff prior to the issuance of a final certificate of occupancy and release of the performance surety.*
- 6. Upon the completion of construction, and prior to the issuance of a Certificate of Occupancy,*

a Connecticut registered professional engineer or architect shall submit a written statement, signed and sealed, certifying that he/she has inspected the completed construction and that the ramp and balcony columns have been constructed to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, as specified in the issued permit and in accordance with the provisions of Section 7.1 of the Zoning Regulations.

7. *Upon completion of construction and prior to the issuance of a certificate of occupancy and return of surety, a Connecticut land surveyor shall complete a standard "National Flood Insurance Program Elevation Certificate."*
8. *Submittal of a flood preparedness plan.*
9. *Prior to the receipt of a final certificate of occupancy, transfer of title and return of surety, the applicant shall file a standard notice on the Stamford Land Records disclosing the following information:*
 - *The Subject property lies, in part, within known flood hazard areas described as Zone VE, Elevation 15 feet NAVD-88, as depicted on Flood Insurance Rate Map 09001C0518G, dated July 8, 2013.*
 - *A Permit (224 Dolphin Cove Quay, CSPR-952, 10/14) has been issued by the Zoning Board of the City of Stamford to allow additions and the installation of drainage and other related improvements on a waterfront property that supports the coastal resources identified as "Coastal Flood Hazard Areas," "Developed Shorefront," "Shorelands," and "Coastal Waters."*
 - *Acknowledge the existence of the final "Flood Preparedness Plan."*

2. Application 212-23 Revised – TEN RUGBY STREET, LLC, Text change

It was noted for the record that Mr. Morris had watched the video of the April 27, 2015 public hearing and was therefore, seated for this application.

Mr. Michelson commented that this use is an obnoxious nuisance and is not desirable. The Court has upheld the zoning violation. This text change seems to relate to one property and may be considered spot zoning. Mr. Michelson expressed concern about the established uniformity principles of zoning, and a use permitted that would have a time limit and then no longer be allowed. Zoning should strive to enhance the neighborhood, and he doesn't see this working and quite the contrary, this goes against the goals of zoning. He therefore recommends denial.

Mr. Morris agreed with a number of points made by Mr. Michelson and said he was concerned about whether the building would be built as described.

Ms. McManus said of course there are issues on each side. She's concerned that rock-crushing isn't allowed and has mixed feelings about bringing it inside a building. She doesn't want to reward the applicant but there's a period of time where this use could occur outside, based on the court's ruling.

Mr. Stein said the applicant has violated zoning and is seeking approval to solve his problem and he doesn't want the Board's actions to bail the Applicant out. It may be 5 years until it's resolved and he feels bad for the neighbors but is opposed to the application. He doesn't believe it will help the neighbors.

Mr. Mills said he would hate to give someone the false sense that they can proceed if it's not possible to approve the building in a costly manner under this text change.

Ms. McManus stated that the cost of construction and setting a standard is not as much a concern as protecting the neighbors.

Mr. Morris said if the applicant didn't comply with the stipulated court judgement, they would be in contempt of court and subject to fines. He asked if there was any other way to help the neighbors? Mr. Stein said that even if the text is approved, how long will it take to complete the process and construct a building? Mr. Mills asked if the applicant would be willing to voluntarily cease and desist operations?

Mr. Killeen ascertained that the applicant would be willing to decrease their level of activity to about two days a week but was not willing to cease their operations while the building was being constructed. A motion was made by Mr. Michelson and seconded by Mr. Stein to deny the application for the reasons stated. The motion to deny was approved 3:2 (Mills, Stein and Michelson to deny; McManus and Morris opposed).

3. Application 215-10 – SHELTER FOR THE HOMELESS, Special Exception and Coastal Site Plan Review (continued from May 11, 2015).

Discussion of this application will take place at the next meeting scheduled for Monday, June 8, 2015 at 7:00pm in the 4th floor Cafeteria.

Mr. Morris made a motion to waive the rules and add discussion of signage for CVS on Canal Street, seconded by Mr. Michelson and the motion was approved 5:0 (Mills, McManus, Michelson, Morris and Stein). Ms. Gwozdzowski will sit on this discussion in place of Mr. Stein who was not on the Board when this application was approved.

OLD BUSINESS

Application 213-24 - Estate of Samuel J. Heyman - Site & Architectural Plans and/or Requested Uses approval, Coastal Site Plan Review, and Special Exception approval pursuant to Article III, Section 7.5-C (Large Scale Development) to construct two, one-story buildings; one for a 14,561 square foot, single story retail building to be used by CVS/pharmacy; and one for a 3,290 square foot retail building (tenant undetermined) and other associated site improvements. The property is approximately 2.01 acres and is commonly known as 537 Canal Street (Block Number 82; Parcel Number: 001-9642), located at the intersection of Canal Street, Market Street, and John Street, in the M-G zoning district (General Industrial).

Attorney Jackie Kaufman presented the plan to put a pylon sign, 21 feet in height and 50 s.f. in size and a monument sign of 15.58 s.f. in size and 7'2" in height at the Canal Street CVS site. Similar signs have been previously approved at different sites. 30% of this proposed sign will be for a future tenant. The sign will be internally illuminated with a soft-glow, backlit, weathered grey look. The proposed sign will be more modest than other CVS signs in Stamford.

Ms. McManus made a motion to approve the signage as proposed, seconded by Mr. Morris and the motion was approved 5:0 (McManus, Michelson, Morris, Mills and Gwozdzowski).

ADJOURNMENT

There being no further business, a motion was made by Ms. McManus, seconded by Mr. Stein to adjourn the meeting at 10:00pm and the motion was approved 5:0 (McManus, Michelson, Morris, Stein and Mills).

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board